

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:22-cv-000189-MR**

COBEY LAKEMPER,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
FNU HONEYCUTT, et al.,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on its review of the docket in this matter.

Plaintiff filed this action pursuant to 42 U.S.C. § 1983 on December 15, 2022, against Defendants Biecker, Chester, Farrish, Huneycutt, and Young, and Defendant John Doe, who Plaintiff identified as the North Carolina Department of Public Safety¹ Publication Review Committee Chairperson. [Doc. 1]. Plaintiff submitted proposed Summonses for all Defendants, which included an address for Defendant John Doe. [Docs. 1-2, 7]. On February 9, 2023, Plaintiff's Complaint passed initial review in accordance with the Court's Order. [Doc. 10]. On March 17, 2023, Plaintiff filed an Amended

¹ The North Carolina Department of Public Safety is now called the North Carolina Department of Adult Corrections (NCDAC) and the Court will refer to it accordingly.

Complaint. [Doc. 17]. On April 10, 2023, before the Court screened Plaintiff's Amended Complaint, Defendants Biecker, Chester, Farrish, Huneycutt, and Young executed Waivers of Service. [Doc. 18]. Plaintiff's Amended Complaint passed initial review on April 18, 2023, in accordance with the Court's Order. [Doc. 19]. On June 7, 2023, Defendants Biecker, Chester, Farrish, Huneycutt, and Young answered Plaintiff's Amended Complaint.² [Doc. 21; see Doc. 18].

Plaintiff has not further identified Defendant John Doe and he remains unserved. As noted, however, Plaintiff identified this Defendant as the NCDAC Publication Review Committee Chairperson in or around June 2022 and has provided an address at which to serve this Defendant. [See Doc. 1 at 6-9, 14; Doc. 7 at 3]. The Court, therefore, will order defense counsel to investigate the identity of this Defendant with the available information so that the Court can order the Clerk of Court to begin the procedure for waiver of service set forth in Local Civil Rule 4.3 for this Defendant. The Court will order defense counsel to report to the Court with Defendant John Doe's identity within 14 days of this Order.


² According to Defendants' Answer, Defendant Russell Chester's name is spelled "Russel," and Defendant FNU Young's true full name is Jamie Young. The Court will instruct the Clerk to update the docket accordingly.

ORDER

IT IS, THEREFORE, ORDERED that defense counsel shall identify Defendant John Doe within 14 days of this Order in accordance with the terms of this Order.

IT IS SO ORDERED.

Signed: June 8, 2023



Martin Reidinger
Chief United States District Judge

